

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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FREE LIBERTARIAN PARTY, INC., a New York not- :  
for-profit corporation doing business as the Libertarian :  
party of New York and acting as an independent body :  
under the name of the Libertarian Party; and WILLIAM :  
REDPATH, a Virginia resident. :

Plaintiffs, :

-against- :

ANDREW J. SPANO, GREGORY P. PETERSON, :  
PETER S. KOSINSKI, and DOUGLAS A. KELLNER, :  
in their official capacities as Commissioners of the New :  
York State Board of Elections, :

Defendants. :

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GOLD, STEVEN M., U.S.M.J.:

DECLARATORY JUDGMENT  
AND PERMANENT  
INJUNCTION  
16-CV-3054 (SMG)

In accordance with the May 18, 2018 Memorandum and Order of this Court, it is  
hereby ORDERED, ADJUDGED AND DECREED as follows:

1. Plaintiffs' Motion for Summary Judgment is GRANTED;
2. Defendants' Cross-Motion for Summary Judgment is DENIED;
3. The requirement in N.Y. Elec. Law § 6-140 (1)(b) that a witness to an independent nominating petition be "a duly qualified voter of the state" is unconstitutional to the extent it excludes persons who are not residents of the State of New York or are not registered New York State voters, but otherwise meet the requirements to be a duly registered voter under New York Election Law, from witnessing signatures on nominating petitions; and
4. Defendants are permanently enjoined, beginning November 7, 2018, from implementing or enforcing N.Y. Elec. Law § 6-140 to the extent it excludes

persons who are not residents of the State of New York or are not registered New York State voters, but otherwise meet the requirements to be a duly registered voter under New York Election Law, from witnessing signatures on nominating petitions.

SO ORDERED

June 12, 2018  
Brooklyn, New York

/s/  
\_\_\_\_\_  
Steven M. Gold  
United States Magistrate Judge

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